

TRIPURA GAZETTE



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PART -- IV-- Bills introduced in the Tripura Legislative Assembly: Report of Selection Committees presented or to be presented to the Assembly ; and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY

SECRETARIAT

NEW CAPITAL COMPLEX

AGARTALA, TRIPURA, PIN – 799 010

[Fax : (0381) 241 4095/9654]

No.F.7(12- 19)-LA/2018.

Dated, Agartala the 24th November , 2018.

N O T I F I C A T I O N

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “ **The Tripura Shops and Establishments (Fourth Amendment) Bill, 2018 (The Tripura Bill No. 9 of 2018) ”** as introduced in the Assembly on the **23rd November, 2018** is published in the Tripura Gazette.”


(S. Sikdar) 24/11/18.
Secretary
Tripura Legislative Assembly

THE TRIPURA BILL NO. 9 of 2018

**THE TRIPURA SHOPS AND ESTABLISHMENTS
(FOURTH AMENDMENT) BILL, 2018**

A

BILL

Further to amend “The Tripura Shops and Establishments Act, 1970”.

WHEREAS, it is expedient to amend the “The Tripura Shops and Establishments Act, 1970” (hereinafter referred to as the ‘Principal Act’), to facilitate opening of shops and establishments in the State of Tripura on all days in a week by the employers provided that every person employed in such shops and establishments is allowed weekly holiday of at least one full day and another half day of rest;

BE it enacted by the Tripura Legislative Assembly in the Sixty-Ninth year of the Republic of India as follows:-

1. Short Title & Commencement:

- (1) This Act may be called “The Tripura Shops and Establishments (Fourth Amendment) Act, 2018”;
- (2) It shall come into force on the date of its publication in the official gazette.

2. Amendment of section- 5:

Sub- section (1), (2), (3) and (4) of section 5 of the Tripura Shops and Establishments Act, 1970 (hereinafter referred to as the ‘Principal Act’), shall be substituted with the following:

- “(1) A department or any section of a department of the shop or establishment may work in more than one shift at the discretion of the employer and if more than one shift is worked, the person employed may be required to work in any shift at the discretion of the employer;
- (2) A shop or an establishment may work on all days in a week subject to the condition that every person employed shall be allowed weekly holiday of at least one full day and another half day of rest;

- (3) If a person employed is denied weekly holiday, the compensatory leave in lieu thereof shall be given within two months of such weekly holiday;
- (4) The period and hours of work in a week for all classes of persons employed in such shift shall be informed to all persons employed in writing and shall be sent to the registering authority electronically or otherwise, within two weeks of such shift;
- (5) Where a person employed is required to work on a day of rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages;

Provided that, nothing in this sub-section, shall apply to any person employed whose total period of continuous employment is less than six days.”

STATEMENT OF OBJECTS AND REASONS

The Tripura Shops and Establishments Act, 1970 was enacted in the year 1970 and in course of its enforcement, it has been observed that one and half day weekly closure under Section 5(1)(a) for shop or commercial establishment and one and half day weekly holiday for person employed under section 5(1)(b) is not only age-old but a hindrance and inconvenience for customers. The amendment of Section 5 under the Tripura Shops and Establishments Act, 1970 will enable the shopkeepers /employers to operate their establishments in more working hours, ensuring the implementation of the Act without compromising the rightful privileges provided to the employees of the concerned establishments as per law. The amendment will generate more revenue.

The Tripura Shops and Establishments Act, 1970 is therefore, sought to be amended.

The Bill seeks to achieve the aforesaid object.

**Chief Minister
Tripura**

TECHNICAL REPORT

The subject matter of the Bill is relatable to Entry 24 of the Concurrent List (List –III) of the Seventh Schedule to the Constitution of India. Therefore, the State Legislature is competent to make a law on this subject. The provisions of the Bill are not repugnant to any provision of the Constitution or any existing Central Law. The Bill does not attract the proviso to clause (b) of article 304 of the Constitution and therefore, previous sanction of the President shall not be necessary for introduction of the Bill. It is not a money Bill within the meaning of Article 199(1) of the Constitution of India and would not involve any additional expenditure from the consolidated fund of the State if the Bill is enacted and brought into operation. Therefore, prior recommendation of the Governor is not necessary for consideration of the Bill by the State Legislature under clause (3) of Article 207 of the Constitution.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into force, shall not involve any additional expenditure on the Consolidated Fund of the State.